

DETAILED ACTION

1. This Office Action is in response to the decision by the Board of Patent Appeals and Interferences rendered on 3/18/2010.

2. Claims 1-30 are allowed.

Information Disclosure Statement

The information disclosure statement filed 11/13/2009 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because each publication cited in the non-patent literature section must be identified by publisher, author (if any), title, relevant pages of the publication, and date and place of publication. The date of publication supplied must include at least the month and year of publication, except that the year of publication (without the month) will be accepted if the applicant points out in the information disclosure statement that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue. The place of publication refers to the name of the journal, magazine, or other publication in which the information being submitted was published. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing

the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance: claims 1-30 are considered allowable as per the decision made by the Board of Patent Appeals and Interferences on 3/18/2010.

As determined by the BPAI, the closest prior art of reference, Kaehler ("Fuzzy Logic-an Introduction") fails to describe "receiving curve data as input, said data curve comprising a plurality of data points representing a curve, said curve matching mechanism using Fuzzy logic to describe said curve represented by said curve data" as recited in claims 1, 7, 18 and 24 or receiving data representing an input curve as input; determining membership of said input curve in at least one Fuzzy Set, each said Fuzzy set expressing a property of a respective at least one curve" as recited in claim 30 (pg. 10 of the BPAI decision rendered on 3/18/2010).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Claims 1-30 are allowed.

Correspondence Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR F. FERNANDEZ RIVAS whose telephone number is (571)272-2589. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571)-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Omar F. Fernández Rivas/
Examiner, Art Unit 2129

/Donald Sparks/
Supervisory Patent Examiner, Art
Unit 2129

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Art Unit: 2129

Page 5